

DETAILED ACTION

1. Claims 1-8, 26-29 and 31-32 are pending in this application.

Response to Amendment

2. Applicant's amendment filed 01/14/2008 in response to the previous Office Action (08/14/2007) is acknowledged. The prior art rejections of claims 1-7 and 26-27 under 35 U.S.C. 102(a) and 103(a) (items 3-4) have been obviated. Applicants have deleted the definition of R = heterocycl(C₁-C₁₀)alkyl to overcome the prior art rejection under 102(a) and argued successfully to overcome the obviousness rejection. Note that applicant's amendment also raises new issue that needs further rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 is improperly dependent on claim 1 because of the recitation of "R is ...piperazinylpropyl-". Note that the choice for R = heterocycl(C₁-C₁₀)alkyl has been deleted from claim 1 to overcome the prior art rejection under 35 U.S.C. 102(a) raised in previous Office Action. Since piperazinylpropyl- is not a permitted choice for variable R in claim 7, applicants have to delete "piperazinylpropyl-" to overcome this rejection.

Allowable Subject Matter

4. Claims 1-6, 8, 26-29 and 31-32 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kahsay T. Habte/
Primary Examiner, Art Unit 1624

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